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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
10/780,664	02/19/2004	Rudolphus LeFlore	135/29	2179
7590 09/02/2005				
Averill & Varn 8244 Painter Ave. Whittier, CA 90602			EXAMINER CHAMBERS, MICHAEL S	
			ART UNIT 3711	PAPER NUMBER

DATE MAILED: 09/02/2005

Please find below and/or attached an Office communication concerning this application or proceeding.

<b>Office Action Summary</b>	<b>Application No.</b> 10/780,664	<b>Applicant(s)</b> LEFLORE, RUDOLPHUS	
	<b>Examiner</b> Mike Chambers	<b>Art Unit</b> 3711	

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --  
**Period for Reply**

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If the period for reply specified above is less than thirty (30) days, a reply within the statutory minimum of thirty (30) days will be considered timely.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

#### Status

- 1) ☒ Responsive to communication(s) filed on 17 August 2005.
- 2a) ☐ This action is **FINAL**.                      2b) ☒ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

#### Disposition of Claims

- 4) ☒ Claim(s) 1-20 is/are pending in the application.
- 4a) Of the above claim(s) 20 is/are withdrawn from consideration.
- 5) ☐ Claim(s) \_\_\_\_\_ is/are allowed.
- 6) ☒ Claim(s) 1-19 is/are rejected.
- 7) ☐ Claim(s) \_\_\_\_\_ is/are objected to.
- 8) ☐ Claim(s) \_\_\_\_\_ are subject to restriction and/or election requirement.

#### Application Papers

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☐ The drawing(s) filed on \_\_\_\_\_ is/are: a) ☐ accepted or b) ☐ objected to by the Examiner.  
Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).  
Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

#### Priority under 35 U.S.C. § 119

- 12) ☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☐ All    b) ☐ Some \*    c) ☐ None of:
1. ☐ Certified copies of the priority documents have been received.
2. ☐ Certified copies of the priority documents have been received in Application No. \_\_\_\_\_.
3. ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).
- \* See the attached detailed Office action for a list of the certified copies not received.

#### Attachment(s)

- |   |   |
|---|---|
| 1) <input checked="" type="checkbox"/> Notice of References Cited (PTO-892)   | 4) <input type="checkbox"/> Interview Summary (PTO-413)<br>Paper No(s)/Mail Date. _____ |
| 2) <input type="checkbox"/> Notice of Draftsperson's Patent Drawing Review (PTO-948)  | 5) <input type="checkbox"/> Notice of Informal Patent Application (PTO-152)             |
| 3) <input checked="" type="checkbox"/> Information Disclosure Statement(s) (PTO-1449 or PTO/SB/08)<br>Paper No(s)/Mail Date _____ | 6) <input type="checkbox"/> Other: _____  |

**DETAILED ACTION**

***Election/Restrictions***

Applicant's election without traverse of claims 1-19 is acknowledged. Claim 20 is withdrawn from further consideration, as directed to claims non-elected without traverse, 37CFR1.142.

***Claim Rejections - 35 USC § 102***

The following is a quotation of the appropriate paragraphs of 35 U.S.C. 102 that form the basis for the rejections under this section made in this Office action:

A person shall be entitled to a patent unless –

(b) the invention was patented or described in a printed publication in this or a foreign country or in public use or on sale in this country, more than one year prior to the date of application for patent in the United States.

Claims 1 and 17 are rejected under 35 U.S.C. 102(b) as being anticipated by Mahieu (4629188). Mahieu discloses vertical supports (26,36) having support tops and support bottoms, bases attached to the support bottoms (21) for holding the vertical supports approximately vertical;

an upper portion (36) slidably engagable with the vertical supports, said upper portion vertically fixable relative to said vertical supports, and a vertically disposed substantially opaque curtain (18) attached to the upper portion. (fig 1).

As to claim 17 : Mahieu discloses a horizontal brace (fig 1, item 30).

Also,

Claims 1,14, and 15 are rejected under 35 U.S.C. 102(b) as being anticipated by Gingrich et al (5875597). Gingrich discloses vertical supports (16,36) having support tops and support bottoms, bases attached to the support bottoms (22) for holding the

vertical supports approximately vertical; an upper portion (36) slidably engagable with the vertical supports, said upper portion vertically fixable relative to said vertical supports, and a vertically disposed substantially opaque curtain (12) attached to the upper portion. (fig 1,3).

As to claim 14 : Gingrich discloses an upper portion, positioning holes and positioning pins (fig 3).

As to claim 15 : Gingrich discloses biased outward pins (fig 3, item 26).

### ***Claim Rejections - 35 USC § 103***

The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

(a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negated by the manner in which the invention was made.

Claims 2,3,4,5, and 18 are rejected under 35 U.S.C. 103(a) as being unpatentable over Gingrich as applied to claim 1. The specification provides no unanticipated or surprising results from the dimensions cited. It would have been obvious to one of ordinary skill in the art at the time of the invention to have selected an appropriate length, width and/or height based on cost and design considerations.

Also,

Claims 2,3,4,5, 6, 7 and 18 are rejected under 35 U.S.C. 103(a) as being unpatentable over Mahieu as applied to claim 1. The specification provides no

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unanticipated or surprising results from the dimensions cited. It would have been obvious to one of ordinary skill in the art at the time of the invention to have selected an appropriate length, width and/or height based on cost and design considerations.

Also,

Claims 8-12 and 19 are rejected under 35 U.S.C. 103(a) as being unpatentable over Mahieu as applied to claim 1 and further in view of McClimon (4326717) . Using hooks is well known in the art. McClimon discloses using hooks (fig 1,3). It would have been obvious to one of ordinary skill in the art at the time of the invention to have utilized the hooks of McClimon in order to easily set-up and take down the device.

As to claim 9 : McClimon discloses grommets and tensioning devices (fig 3).

As to claim 10 : Mahieu discloses holes (fig 2).

As to claim 11 : Mahieu discloses posts (fig 2).

As to claim 12 : Mahieu discloses holes (fig 2). The specification provides no unanticipated or surprising results from the dimensions cited. It would have been obvious to one of ordinary skill in the art at the time of the invention to have selected an appropriate length, width and height based on cost and design considerations.

As to claim 19 : See claim 9 rejection. It would have been obvious to one of ordinary skill in the art at the time of the invention to have selected any one of several equivalent adjustment means and attachment means based on cost and design considerations.

Claim 13 is rejected under 35 U.S.C. 103(a) as being unpatentable over the art cited above and further in view of Macasko (4497485) . Using springs is well known in

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the art. Macasko discloses using springs (fig 1,item 30). It would have been obvious to one of ordinary skill in the art at the time of the invention to have utilized the springs of McClimon in order to provide an easy means to keep the screen taunt during play.

Claim 16 is rejected under 35 U.S.C. 103(a) as being unpatentable over the art cited above and further in view of Official Notice . Using detent pins is well known int the art. It would have been obvious to one of ordinary skill in the art at the time of the invention to have any one of several equivalent tensioning devices, including coiled springs based on cost and design considerations.

### ***Conclusion***

Any inquiry concerning this communication or earlier communications from the examiner should be directed to Mike Chambers whose telephone number is 571-272-4407. The examiner can normally be reached on Mon-Fri 8:30-5:00.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Greg Vidovich can be reached on 571-272-4415. The fax phone number for the organization where this application or proceeding is assigned is 571-273-8300.


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Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free).

4326717\*5875597\*4629188\*4497485\*4905996\*4  
796886\*4718668\*5029853\*5642879\*6161320\*20  
040157685

Michael Chambers  
Examiner  
Art Unit 3711

August 29, 2005

  
GREGORY VIDOVIK  
SUPERVISORY PATENT EXAMINER  
TECHNOLOGY CENTER 3700